

TOWN OF CALAIS SEWAGE ORDINANCE
SEWERAGE OFFICE IS TOBY TALBOT
(223-3942)

Section 1. Introduction and Purpose

This document describes Calais' best efforts to regulate waste disposal in order to ensure public health and safety and to prevent the creation of a health hazard or nuisance, or contamination of ground or surface water in the town of Calais due to improper disposal of sewage. The ordinance describes three types of waste disposal permits, duties of the Calais sewage officer, the permit application process, sewage disposal system standards, requirements for systems which fall, and Enforcement actions which the town may take.

This ordinance is adopted under 24 V.S.A. Chapters 59 and 102. The ordinance partially implements the Calais town plan adopted in 1998. This is a civil and not a criminal ordinance.

Section 2. Permits and Procedure

- (a) Sewage Officer: Annually, the selectboard shall appoint a sewage officer to administer the provisions of this ordinance.
- (b) Construction Permit: See section 3 (b) for a description of who must apply for a construction permit. An application for a construction permit shall be made to the sewage officer and shall contain soil and site information equivalent to that required under the Vermont Department of Environmental Conservation Small Scale Wastewater Treatment and Disposal Rules, effective August 8, 1996. Technical information and the septic system design for the application shall be prepared by a professional Vermont-licensed engineer or Type B certified site technician. The sewage officer shall issue a construction permit if the proposal complies with the standards of the Small Scale Wastewater Treatment and Disposal Rules, effective August 8, 1996. The sewage officer may accept a state permit issued under the Small Scale Wastewater Treatment and Disposal Rules, in lieu of soil and site information and shall issue a construction permit based on the state permit as soon as practical. Innovative sewage disposal systems which have received an Innovative Systems Permit from the Department of Environmental Conservation may be granted a construction permit. If the sewage office has not acted to issue or deny the permit within 30 days of receipt of a complete application, the permit shall be considered to be granted. A construction permit shall be valid for two years from the date of issue.
- (c) Disposal System Use Permit: See section 3 (a) for a description of who must apply for a disposal system use

permit. No person shall use a sewage disposal system built, altered or repaired following receipt of a construction permit, without obtaining a disposal system use permit issued by the sewage officer.

The sewage officer shall issue the disposal system use permit upon certification by a professional Vermont-licensed engineer or Type B certified site technician that he or she has inspected the system and that the system has been installed as approved in the construction permit. If the installed system varies from the approved design the engineer or technician shall, in writing, describe the changes, explain why the changes were necessary and certify that the system is in compliance with the standards of the Small Scale Wastewater Treatment and Disposal Rules, effective August 8, 1996. In this case, the sewage officer may either issue a disposal system use permit or may require that the applicant reapply for a construction permit.

- (d) Minor Permit: In certain circumstances, a minor permit may be issued in lieu of construction and disposal system use permits; see section 3 (c) for a description of who may apply for a minor permit. The sewage officer shall issue a minor permit if the sewage officer determines that the proposed system meets the standards established in the Small Scale Waste Water Treatment and Disposal Rules of the Department of Environmental Conservation.
- (e) Notice to Sewage Officer: The applicant shall provide the sewage officer with at least 48 hours notice before covering a system with soil. The sewage officer may inspect the system at any time during the installation process and, again, before it is covered with soil. This subsection applies to applicants who have received a construction permit or a minor permit.
- (f) Application Fees: Application fees for permits shall be established by the select board.

Section 3. Applicability of the Ordinance

- (a) A disposal system use permit is required for any structure for which the useful occupancy requires running water. However, a disposal system use permit is not required if:
 - 1. The sewage officer has granted a minor permit;
 - 2. The structure is connected to a municipal sewer; or
 - 3. The sewage disposal system was operating at the time of passage of this ordinance.
- (b) Unless a minor permit has been issued a construction permit is required before commencement of:
 - 1. The building, altering or repairing of a sewage disposal

- system,
2. Construction on a project which involves or affects any portion of existing or proposed sewage disposal facilities. Construction means foundation work, site work and the construction, reconstruction, conversion, structural alteration, relocation or enlargement of a structure if the construction affects the sewage disposal facilities, and
 3. The altering of a structure so as to change the use. Change of use includes addition of bedrooms. conversion of seasonal dwelling to year-round use, conversion of a single-family residential structure to multiple family use, conversion of a residential structure to commercial or industrial use, and any other conversion which may require expansion or change to the sewage disposal system.
- (c) A minor permit may be issued by the sewage officer in lieu of a construction permit and a disposal use permit if a property owner proposes to:
- (1) build a structure which requires disposal of wastes which could potentially create a health hazard, a nuisance or water pollution provided that the proposed use will not put the wastes or wastewater into the ground or the surface water, or
 - (2) make a minor modification to an existing system. A minor modification is generally work on or replacement of the septic tank or the piping between the septic tank or die pump chamber and the structure.

Section 4. Health hazards, Nuisances and Polluting Systems

If a system existing at the time of passage of this ordinance, or a system which was later constructed, modified, altered or repaired, is determined to be creating a health hazard, creating a nuisance or polluting surface or ground water, the property owner shall upgrade the system to meet the standards of this ordinance to the extent feasible within a reasonable time after becoming aware of the problem but no more than 60 days after receiving notice of the sewage officer's determination. However, the sewage officer may extend the 60 day requirement if extenuating circumstances require a longer period for completing the upgrade or if the property owner has taken appropriate action to stop creating the health hazard, nuisance or pollution.

Section 5. Appeals

An applicant or other person aggrieved by a decision of the sewage officer may appeal the decision in writing to the selectboard within 30 days. The selectboard shall hold a hearing within 30 days of receipt of the appeal and shall render a decision within 15 days of the close of the hearing. Appeal from a decision

of the selectboard shall be to Superior Court.

Section 6. Enforcement

- (a) If a person fails to comply with this ordinance, the sewage officer may issue a written order for the person to comply within a specified period of time. In appropriate situations, the sewage office need not issue such an order and may seek judicial enforcement without having clone so.
- (b) A person who violates any provision of this ordinance or who neglects or refuses to comply with an order of the sewage officer shall he subject to a civil penalty of \$100. Each day that a violation or such neglect or refusal continues shall constitute a separate violation.
- (c) The Sewage Officer or selectboard may. on behalf of the Town, initiate enforcement of this ordinance for the imposition of penalties, for injunctive relief, including action to prevent, remove or destroy conditions which may threaten health or pollute waters, or for an order that a civil ordinance violation cease, as provided for in 24 V.S.A. § I 974a.
- (d) The person who caused the violation or who neglected or refused to comply with an order of the sewage officer shall be liable [or expenses incurred by the town under subsection (c) of this section. Expenses shall constitute a lien upon the property affected by the order.
- (e) The sewage officer is authorized to enter into discussion or mediation with the applicant regarding settlement before, or after, judicial enforcement has been initiated. However, no final decision shall be taken without approval of the selectboard.

Section 7. Revocation of Permits

- (a) A permit may be revoked by the selectboard for any of the following reasons:
 - 1. False, fraudulent or misleading information in the permit application.
 - 2. Installation of a system which does not comply with the conditions of the permit.
 - 3. Alteration of the proposed disposal system site or replacement areas, including effluent dispersion areas, so that the proposed system does not comply with this ordinance.
 - 4. Information which shows the proposed system will not comply with this ordinance, including but not limited to, insufficient isolation distances to water supplies.
 - 5. Failure to comply with this ordinance or any terms or conditions of permits issued under this ordinance.
- (b) If the sewage officer determines that a permit should be

revoked, the officer shall submit a written petition to the selectboard which briefly describes the basis for revocation and shall deliver a copy to the permit holder in person or by certified mail. The copy delivered to the permit holder must contain a date for a hearing before the selectboard (obtained from the Town clerk) and the text of this section of the ordinance. If the sewage officer files and delivers such a petition, all work on the system, or any use of the constructed system, shall cease within 24 hours unless two members of the selectboard state in writing that the work or use may continue until the scheduled hearing. A person other than the sewage officer may similarly file and deliver a petition which shall include the name and address of the petitioner, the petitioner's interest in the matter and a brief statement outlining the basis for revocation.

- (c) The selectboard shall hold a hearing within thirty days of receipt of the revocation petition and render a decision within fifteen days of the conclusion of the hearing. If the selectboard revokes a permit, the sewage officer shall send and give the permit holder written notice of revocation within 72 hours. All work on the system and any use of the system shall cease immediately upon notification of the revocation.

Section 8. Severability and Limits of Liability

- (a) If any portion of this ordinance is held unconstitutional or invalid by a court of competent jurisdiction, the remainder of the ordinance shall remain in effect.
- (b) Approval of any sewage disposal system design and installation by the granting of a permit under this ordinance shall not imply that the approved system will be free from malfunction. The provisions of this ordinance shall not create liability on the part of the town, of any town official, or employee for the sewage disposal system.

Adopted by the Calais Board of Selectmen at their regular meeting of June 26, 2000.